

REMARKS

I. Claim Status

Claims 17, 19-27, 29, 30, and 77-79 are currently pending and stand rejected. Claims 24 and 25 have been cancelled without prejudice or disclaimer and retaining the right to represent in a subsequent divisional or continuing application.

Claims 17, 23, 29, and 30 have been amended.

Claim 17 has been amended to recite “wherein the compression molding is carried out using a compression molding machine in which a lubricant selected from the group consisting of magnesium stearate, calcium stearate, stearic acid, stearyl alcohol, sodium stearyl fumarate and sucrose fatty acid ester is previously applied on a surface of punch and die,” and finds support in the Specification as filed at original claim 24.

Claims 17 and 23 have been amended to recite “selected from the group consisting of magnesium stearate, calcium stearate, stearic acid, stearyl alcohol, sodium stearyl fumarate and sucrose fatty acid ester,” and finds support in the Specification as filed at original claim 25.

Claims 29 and 30 have been amended to define the ratio as a compounding ratio. Support for this amendment comes from the Specification as filed at page 11, lines 9-21, and at page 14.

No new matter has been added.

The Examiner also states that both references, Lech and Remington, teach tablets and conventional tableting methods containing conventional tablet ingredients. The Examiner concludes that it would have been obvious to substitute one disintegrant for another because they are art-recognized equivalents and their substitution would achieve the result of producing a tablet. Applicants respectfully traverse.

Claim 24 has been found to be not obvious over Lech in view of Remington. Without conceding the correctness of the Examiner's position or the need for amendment, claim 17 has been amended to incorporate the limitation found in claim 24.


Claims 19 and 77-79 either directly or indirectly depend from amended claim 17. Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe the pending application is in condition for allowance, and allowance is earnestly solicited. If there are any remaining issues which the Examiner believes can be resolved through a Supplemental Amendment or an Examiner's Amendment, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Dated: May 2, 2008

Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant